

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DAVID COX,

Plaintiff,

v.

RYAN MARINI, SEAN BORDWELL, and  
JOHN DOE,

Defendants.

Civil Action No. 05-11608-GAO

**JOINT MOTION TO MODIFY**  
**SCHEDULING ORDER**

David Cox ("Plaintiff"), and Ryan Marini ("Marini") and Sean Bordwell ("Bordwell") (collectively, "Defendants"), hereby move jointly to modify the existing Scheduling Order as set forth within. As grounds for this request, the parties state as follows:

1. Plaintiff has filed suit against Defendants, and an unidentified individual, John Doe, claiming that each assaulted and battered him, causing him to sustain emotional distress. Additionally, Plaintiff claims that Defendants and John Doe falsely imprisoned him, and conspired to deprive him of his Constitutional rights and privileges by restricting his liberty and right to move and travel freely.

2. To date, although able to do so, Marini has refused to provide the identity of John Doe. Indeed, Marini's counsel filed a Motion for Protective Order which sought an order declaring that he need not do so. That motion was denied by this Court. Marini since has filed a Motion for Reconsideration, and the matter remains pending before this Court.

3. The parties agree that until the issue regarding identification of John Doe is resolved, their respective legal strategies and discovery needs cannot be adequately determined. Therefore, the parties have conferred and agree that modifying the Scheduling Order as set forth below—the net effect of which is to extend the currently scheduled pre-trial conference date by

one hundred and twenty days (120)—will provide sufficient time within which to complete all remaining discovery, and will not serve to prejudice any of the parties, unduly delay proceedings, or inconvenience the Court. This is the parties' first such request. It is made jointly, in good faith and, and not for purposes of delay.

**WHEREFORE**, the Plaintiff and Defendants jointly request that the Court allow this motion and amend the Scheduling Order as follows:

- A. All discovery requests and depositions completed by April 30, 2007;
- B. Plaintiff's expert disclosures, if any, by February 15, 2007;
- C. Defendants' rebuttal expert disclosures, if any, by March 15, 2006;
- D. Dispositive motions served on opposing parties by May 31, 2007; and
- E. Final pre-trial conference and firm trial date set by June 30, 2007.

Respectfully submitted,

RYAN MARINI  
By his attorneys,  
Keegan Werlin LLP

/s/ Matthew P. Zayotti  
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AND

SEAN BORDWELL,  
By his attorneys,  
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DAVID COX  
By his attorneys,  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the 17th day of October, 2006.

/s/ Geraldine Aine  
Geraldine Aine